

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
CIVIL CASE NO. 2:02-cv-00229-MR
CRIMINAL CASE NO. 2:99-cr-00013-MR

UNITED STATES OF AMERICA,

Plaintiff,)

VS.

MICHAEL TAYLOR,

Defendant.)

ORDER

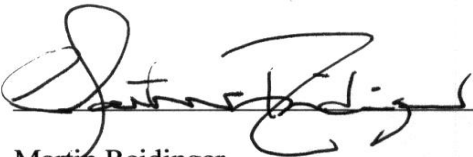
THIS MATTER is before the Court on remand from the Fourth Circuit Court of Appeals for the limited purpose of permitting the Court to supplement the record with an order granting or denying a certificate of appealability. [Doc. 67].

Upon review of the Defendant's motion [Doc. 62], the Court finds that the Defendant has not made a substantial showing of a denial of a constitutional right. See generally 28 U.S.C. § 2253(c)(2); see also Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003) (in order to satisfy § 2253(c), a "petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong"); Further, the Defendant has failed to show that the Court's

dispositive procedural rulings are debatable. See Slack v. McDaniel, 529 U.S. 473, 484-85 (2000) (holding that when relief is denied on procedural grounds, a petitioner must establish both that the correctness of the dispositive procedural ruling is debatable, and that the petition states a debatably valid claim of the denial of a constitutional right). As a result, the Court declines to issue a certificate of appealability. See Rule 11(a), Rules Governing Section 2255 Proceedings for the United States District Courts, 28 U.S.C. § 2255.

IT IS, THEREFORE, ORDERED that the Court declines to issue a certificate of appealability.

IT IS SO ORDERED.


Martin Reidinger
United States District Judge

